

REMARKS

Claims 1-22 are pending in this application. Claims 1, 9 and 11 are in independent form. Claims 2-8 depend from claim 1, claim 10 depends from claim 9, and claims 12-22 depend from claim 11. Claims 1, 2, and 9-11 have been amended. No new matter has been entered.

In the office action, claims 1 and 7-8 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,333,203 to Yonkers. Claims 1-5 and 7-8 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Design Patent No. D316,389. Claims 11-20 and 22 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,738,236 to Brun, Jr.. Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brun in view of Wood. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Brun in view of U.S. Patent No. 5,520,307 to Miller et al.

Yonkers teaches a spray wand for a wet/dry vacuum that has a container coupled at one end of the spray wand. The container is coupled to the spray lance at a plate where the container screws into the plate. The only attachment point for the container is at the end of the container. Wood teaches a water bottle for use with a bicycle. It has two circular clips that presumably clip around a part of the frame of a bicycle. The clips completely surround the bicycle frame member.

In contrast, claims 1 and 9, as amended, and the claims that depend therefrom, relate to a container that has at least two clips that are positioned along the length of the container, spaced from the ends of the container, opposed directionally to one another, and only partially surround the spray lance. Neither Yonkers nor Wood, either alone or in combination, teaches this combination of elements. For these reasons, claims 1 and 9 are submitted to be patentable over both Yonkers and Wood.

Brun, Jr. teaches a recyclable beverage bottle that is designed to be tamper proof. The cap of the bottle has five positions. Two of the positions are open or operative. Three of the positions are closed. The two open positions are shown in Fig. 4 (opening 46) and in Fig. 6, (opening 48). The consumer receives the bottle when in the position shown in Fig. 5, where the

bottle is sealed. Prior to the point of the consumer receiving the bottle, the bottle is in a warehouse or being filled. The container leaves the filling center when in the position shown in Fig. 5. Once the outer member 55 has been turned to the position shown in Fig. 5, it cannot be turned back. (See Brun, Jr. at col. 4, lines 37-47.) In addition, once the container has been opened and closed (shown in Figs. 6 and 7), it can only be opened and closed to the positions shown in Figs. 6 and 7 because of a stop member positioned under the outer cap member. Thus, there is only one operative position in which fluid can enter or leave the bottle.

In contrast, claim 11 concerns a cap that has two operative positions and one inoperative position. The cap can be selectively rotated between any of the positions, as desired. This is not taught by the cap of Brun, Jr. Thus, claim 11, and the claims that depend therefrom are submitted to be allowable over Brun.

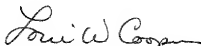
With respect to the § 103(a) rejection of claims 1-10 based upon the combination of Brun and Wood, it is believed that this could be a typographical error and that the Examiner meant to refer to claims 9-10 (since claims 1-8 do not claim the cap and Brun only concerns the cap). Thus, applicants have assumed that claims 9-10 were rejected, rather than claim 1-10, based upon the cited combination. Claim 9 has been amended, as discussed above to claim clips that only partially surround the spray lance. Since Wood teaches clips that completely surround the lance, at least one element is missing from the cited combination. For this reason, claims 9 and 10 are submitted to be allowable over the cited combination.

Claim 21, which was rejected based upon the combination of Brun and Miller, is submitted to be allowable over for the reasons discussed above in connection with Brun. Because Brun does not teach a cap that is selectively rotatable back and forth between the various operative and inoperative positions, and Miller does not remedy this deficiency, claim 21 is submitted to be allowable over the cited combination.

In view of the above amendments and remarks, applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is respectfully requested to call the undersigned attorney if a telephone call could help to resolve any remaining issues.

No fees are believed to be required with the submission of this response. However, should any fees be required, the Commissioner is authorized to charge such fees to deposit account No. 50-1432.

Respectfully submitted,



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